

AP:ap

The meeting was called to order at 9:35 a.m. with all Members being present, with the exception of Supervisor Alexander, Supervisor Frey, and Supervisor McConnell, and with Chairman Davis presiding.

Supervisor Frey arrived at 9:40 a.m.

Supervisor Alexander arrived at 9:55 a.m.

Supervisor McConnell was absent from the entire meeting.

Others present were William J. Leidinger, County Executive; David P. Bobzien, County Attorney; William O. Howland, Jr., Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Deputy Clerk to the Board of Supervisors; and Viki L. Wellershaus, Deputy Clerk to the Board of Supervisors.

2.CERTIFICATE OF APPRECIATION CONGRATULATING

BETTY POWELL, DEPARTMENT OF RECREATION AND

COMMUNITY SERVICE (Tape 1)

Supervisor Dix moved approval of the presentation of the Certificate of Appreciation, presented to Betty Powell, Department of Recreation and Community Service, congratulating her for 24 years of dedicated service to Fairfax County. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander and Supervisor Frey not yet having arrived, Supervisor McConnell being absent.

3.CERTIFICATE OF APPRECIATION CONGRATULATING

PHYLLIS VERHALEN, CHAIRMAN, TREE COMMISSION

(Tape 1)

Supervisor Berger moved approval of the presentation of the Certificate of Appreciation, presented to Phyllis Verhalen, Chairman, Tree Commission, congratulating her for many years of dedicated service as a member and Chairman of the Tree Commission. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Frey not yet having arrived, Supervisor McConnell being absent.

4. CERTIFICATE OF APPRECIATION CONGRATULATING THE MEMBERS OF THE "PROJECT NEW NAME COMMITTEE"

(Tape 1)

Supervisor Dix moved approval of the presentation of the Certificate of Appreciation, presented to John Hannigan, Mayo Stuntz, Louis Zone, and Dan McGuire, Members of the "Project New Name Committee," congratulating them for their work towards renaming the Centreville District to Hunter Mill District. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander not yet having arrived, Supervisor McConnell being absent.

NV:nv

5.10:15 A.M. - REPORT ON GENERAL ASSEMBLY ACTIVITIES

(Tape 1)

Supervisor Dix, Chairman, Board's Legislative Subcommittee, briefly outlined the package distributed to Board Members entitled, "1993 Legislative Report Number One -- Board Legislative Committee meeting of January 22, 1993" dated January 25, 1993.

Supervisor Hanley briefed the Board on the history of the cigarette tax and moved that the Board dedicate to the school budget any revenue generated from the imposition of the cigarette tax. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

Supervisor Dix announced that all Legislative Subcommittee meetings will commence at **4:00 p.m.** on Friday afternoons until the close of the General Assembly session.

Supervisor Dix moved that the Board adopt the Legislative Report Number One. This motion was seconded by Supervisor Berger.

Supervisor Hanley called the Board's attention to Page Five of the Legislative Report regarding the Governor's Commission on Violent Crime and distributed copies of House Bill Numbers 1592, 1603, and 1602, respectively, with summaries on the cover pages.

Supervisor Hanley moved to amend the motion to add Board endorsement of House Bill Number 1592 regarding the handgun purchase limit. This motion was seconded jointly by Supervisor Bulova and Supervisor Hyland.

After a lengthy discussion, Supervisor Berger moved to call the question on Supervisor Hanley's amendment. This motion died for lack of a second.

Supervisor Dix moved a substitute motion that the Board defer the issue of House Bill Number 1592 to the Legislative Subcommittee meeting on Friday, January 29, 1993 and that action be taken at the Board meeting on February 8, 1993. This motion was seconded by Chairman Davis.

After further discussion, the question was called on the substitute motion, which **CARRIED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor McConnell being absent.

Supervisor Hanley moved to amend the main motion to add Board endorsement of House Bill Numbers 1602 and 1603. This motion was seconded by Supervisor Hyland.

Supervisor Frey moved a substitute motion that the Board refer those bills to the next Legislative Subcommittee meeting and defer action on those bills until February 8, 1993. This motion, the second to which was inaudible, **CARRIED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor McConnell being absent.

Supervisor Hyland called the Board's attention to Page Four of the Legislative Report regarding Zoning Enforcement, Senate Bill Number 600, and moved that the Board direct staff to meet with Senator Warren Barry to discuss the problems that the present bill would pose and to determine if there is some way that the bill could be changed or amended that would offer protection to persons who would be affected by a decision of the Zoning Administrator. This motion was seconded by Supervisor Bulova.

After discussion, with input from James P. Zook, Director, Office of Comprehensive Planning, the question was called on the motion which carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

Supervisor Hanley called the Board's attention to Page Four of the Legislative Report regarding the Comprehensive Services Act. She moved that the Board direct staff to amend the language to read "..... opposition to **any** double equalization of the special education portion of the funding." This motion was seconded by Chairman Davis and

carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

Supervisor Frey asked unanimous consent that the record reflect his continuing opposition to the bicycle helmet law even though he would be supporting the overall Legislative Report. Without objection, it was so ordered.

The question was called on the Legislative Report, as amended, which carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

**6.10:00 A.M. - PRESENTATION BY KNOX SINGLETON,
PRESIDENT, INOVA HEALTH ASSOCIATION (Tape 2)**

A presentation regarding the INOVA Health System proposal on health care reform was made by Knox Singleton, President, INOVA Health Association.

A question and answer period ensued among Board Members.

ADDITIONAL BOARD MATTER

**7.UPDATE ON SHOOTINGS WHICH OCCURRED AT CENTRAL
INTELLIGENCE AGENCY (CIA) HEADQUARTERS (Tape 2)**

William J. Leidinger, County Executive, updated the Board concerning the shootings which occurred at the Central Intelligence Agency (CIA) Headquarters in McLean during the morning rush hour.

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8.ADMINISTRATIVE ITEMS (Tape 2)

Supervisor Alexander moved approval of the Administrative Items. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

**ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM
(MOUNT VERNON AND SULLY DISTRICTS)**

(R)Approved the request that certain streets listed in the Memorandum to the Board dated January 25, 1993 be recommended for acceptance into the State Secondary System.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 10, SECTION 4-10-1, AND ARTICLE 17, SECTION 4-17-4, RELATING TO TAXES AND FINANCE

(A)Authorized the advertisement of a public hearing to be held by the Board of Supervisors on **March 8, 1993 at 3:30 p.m.** to obtain comments concerning the proposal to amend the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 10, Section 4-10-1, and Article 17, Section 4-17-4, relating to taxes and finance.

ADMIN 3 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX TO ADD A NEW CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE)

(A)Authorized the advertisement of a public hearing to be held by the Planning Commission on February 17, 1993 and before the Board of Supervisors on **March 22, 1993 at 3:30 p.m.** to amend the Code of the County of Fairfax to add a new Chapter 118 (Chesapeake Bay Preservation Ordinance) to implement the State Chesapeake Bay Preservation Act.

9.A-1 - REVISIONS TO THE PERSONNEL REGULATIONS REGARDING THE REDUCTION-IN-FORCE (RIF) PROCEDURE AND UNDERFILL APPOINTMENTS (Tape 2)

On motion of Supervisor Trapnell, the second to which was inaudible, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the

recommendation of staff and approved the proposed revisions to Chapters 7 and 9 of the Personnel Regulations Regarding the Reduction-in-Force (RIF) Procedure and Underfill Appointments.

**10.A-2 - PROPOSED COUNTY COMMENTS IN FEDERAL
COMMUNICATIONS COMMISSION (FCC) CONSUMER
PROTECTION AND CUSTOMER SERVICE STANDARDS
RULE MAKING PROCEEDING (Tape 2)**

Supervisor Alexander moved that the Board concur in the recommendation of staff and approve the proposed comments to be filed in the Federal Communications Commission's (FCC) current customer service standards rule making proceeding. This motion was seconded by Supervisor Hanley.

Following discussion, Chairman Davis clarified that the motion would "stand" as is unless it is determined that a revision of the first paragraph on Page Three is necessary.

Ronald B. Mallard, Director, Department of Consumer Affairs, said that staff would review the proposed testimony and report later in the day.

The question was called on the motion which carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#72.)

**11.A-3 - VIRGINIA POWER (VEPCO) APPLICATION FOR A
RATE INCREASE - CASE NUMBER PUE 920041 (Tapes 2-3)**

Supervisor Alexander moved that the Board concur in the recommendation of staff and authorize the Department of Consumer Affairs, in conjunction with the County Attorney's Office, to file testimony on behalf of the Board concerning Virginia Power's (VEPCO) proposed increase in rates. This motion was seconded by Supervisor Bulova.

Following discussion, with input from Ronald B. Mallard, Director, Department of Consumer Affairs, Supervisor Berger moved that the Board direct the Department of Consumers Affairs to:

- Prepare a report to be presented at the Board Meeting scheduled for February 8, 1993 which includes the amount of time taken to prepare the proposed testimony; and
- The entire cost associated with the role of the Department of Consumer Affairs in preparing and spending time in Richmond intervening in these cases.

This motion was seconded by Chairman Davis and **CARRIED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "NAY," Supervisor McConnell being absent.

The question was then called on the main motion which **CARRIED** by a recorded vote of eight, Supervisor Berger voting "NAY," Supervisor McConnell being absent.

12.A-4 - DRANESVILLE ROAD DESIGN PROJECT

(DRANESVILLE DISTRICT) (Tape 3)

Supervisor Hanley asked unanimous consent that the Board direct staff to provide information as to how and why some roads are classified secondary and other roads, which are similar in usage, are considered primary. Without objection, it was so ordered.

Supervisor Berger moved that the Board concur in the recommendation of staff and endorse the proposed project scope for the design of improvements to Dranesville Road from the Town of Herndon to Route 7, as outlined in the Memorandum to the Board. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

13.A-5 - ADOPTION OF FINAL COMMUNITY IMPROVEMENT

PROGRAM ASSESSMENTS FOR BROOKLAND BUSH HILL,

PHASE I (LEE DISTRICT) (Tape 3)

(R)Supervisor Alexander moved that the Board:

- Concur in the recommendation of staff and adopt the Resolutions establishing the final assessments for Brookland Bush Hill, Phase I; and

•Direct staff to start the review of Phase II.

This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

14.A-6 - AUTHORIZATION TO ADVERTISE PROPOSED

AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX,

CHAPTER 112 (ZONING ORDINANCE) REGARDING SITE PLANS,

AGREEMENTS, SECURITIES, AND APPLICATION FOR A

BUILDING PERMIT (Tape 3)

(R)

(A)Following discussion, with input from Irving Birmingham, Director, Department of Environmental Management (DEM), Supervisor Frey moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 10, 1993 and before the Board of Supervisors on **March 8, 1993 at 3:30 p.m.** on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to permit public facilities and other required improvements shown on Site Plans to be bonded after Site Plan approval and prior to construction permit issuance. This motion seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff to change the proposed effective date of this proposal from April 1, 1993 **TO** March 9, 1993. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

15.A-7 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)

FOR THE FAIRFAX COUNTY POLICE DEPARTMENT, TRAFFIC

SAFETY SECTION, DRIVING UNDER THE INFLUENCE

EDUCATION AND ENFORCEMENT PROGRAM (Tape 3)

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Frey, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS93044, totalling \$60,000, to fund an Education and Enforcement Campaign to deter or apprehend impaired drivers.

16.A-8 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)

AS 93046 TALLING \$386,026 FOR THE DEPARTMENT OF

HUMAN DEVELOPMENT TO ACCEPT ADDITIONAL FUNDING

FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

(CCDBG) PROGRAM (Tape 3)

(SAR)On motion of Supervisor Hanley, the second to which was inaudible, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS93046, totalling \$386,026, which reflects additional Federal funding available as a result of the Virginia Department of Social Services' (VDSS) statewide reallocation of Child Care and Development Block Grant (CCDBG) funds.

17.A-9 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)

AS 93047 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT

PROGRAM YEAR (PY) 1992 JOB TRAINING PARTNERSHIP

ACT (JTPA), TITLE II-A, YEAR ROUND PROGRAM

(Tape 3)

(SAR)On motion of Supervisor Frey, seconded by Supervisor Hanley, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS93047, totalling \$142,219, to appropriate Title II-A Job Training Partnership Act (JTPA) funds for the Department of Human Development to serve the economically disadvantaged.

18.A-10 - SUPPLEMENTAL APPROPRIATION RESOLUTION

**(SAR) AS 93048 FOR THE CHILD ABUSE AND NEGLECT
PREVENTION PROGRAM GRANT AWARD FOUR IN THE
DEPARTMENT OF HUMAN DEVELOPMENT FROM THE U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES (Tape 3)**

(SAR)Following discussion, with input from staff, Supervisor Hanley moved that the Board concur in the recommendation of staff and approve Supplemental Appropriation Resolution (SAR) AS93048, totalling \$266,667, for the continuation of the Child Abuse and Neglect Prevention Program in the Department of Human Development. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

19.A-11 - SUPPLEMENTAL APPROPRIATION RESOLUTION

**(SAR) AS 93049 FOR THE DEPARTMENT OF HUMAN
DEVELOPMENT TALLING \$37,189 FOR THE REMAINDER
OF THE INDEPENDENT LIVING INITIATIVES GRANT
PROGRAM YEAR (PY) 1993 (Tape 3)**

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS93049, totalling \$37,189, for the remainder of the Independent Living Initiatives Grant Program Year (PY) 1993.

20.A-12 - SUPPLEMENTAL APPROPRIATION RESOLUTION

**(SAR) AS 93050 TALLING \$299,290 FOR
COMPREHENSIVE SERVICES ACT TRUST FUND TO PROVIDE
INTENSIVE IN-HOME SERVICES WITH THERAPEUTIC
RESPITE CARE HOMES AND FAMILY SUPPORT (Tape 3)**

(SAR)Following discussion, Supervisor Alexander moved that the Board concur in the recommendation of staff and approve Supplemental Appropriation Resolution (SAR) AS93050, totalling \$299,290, from the Virginia State Executive Council for the Comprehensive Services Act for At-Risk Youth and Families to develop less restrictive and less costly community-based alternatives to out-of-home care and residential placements for at-risk youth and their families. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

21.APPRECIATION EXPRESSED TO THE DEPARTMENT OF HUMAN

DEVELOPMENT (Tape 3)

Supervisor Dix stated that recently there was a family crisis in the Hunter Mill District which required immediate attention. For assistance, he said that he contacted a member of staff at home. Supervisor Dix explained that a staff member from the Department of Human Development responded in the evening on a holiday to assist a family with eight children that was about to be displaced.

Supervisor Dix expressed his appreciation to Suzanne C. Manzo, Director, Department of Human Development, and her staff for their efforts on behalf of this family.

22.A-13 - PERMISSION FOR THE DEPARTMENT OF HUMAN

DEVELOPMENT TO SUBMIT COMMUNITY FOOD AND

NUTRITION PROGRAM GRANT APPLICATION TO THE UNITED

STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

(Tape 3)

On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and authorized the Department of Human Development to submit an application to the United States Department of Health and Human Services for a maximum award of \$50,000 in Community Food and Nutrition Program grant funds.

23.A-14 - DELINQUENT REAL ESTATE; PERSONAL PROPERTY;

BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE**(BPOL) TAX LISTS FOR 1990 AND 1991 (Tape 3)**

Following discussion, with input from William J. Leidinger, County Executive, and James P. McDonald, Deputy County Executive for Management and Budget, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board concur in the recommendation of staff and authorize a statement of delinquency to be sent to the delinquent taxpayers advising them of the upcoming publication, and that 30 days thereafter if the taxes remain unpaid, the lists be made available for public review in all Fairfax County Public Libraries. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

**24.A-15 - AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY
OF FAIRFAX, CHAPTER 101 (SUBDIVISION PROVISIONS),
CHAPTER 112 (ZONING ORDINANCE), AND TO THE FAIRFAX
COUNTY PUBLIC FACILITIES MANUAL (PFM) REGARDING
CHESAPEAKE BAY AND EROSION AND SEDIMENT CONTROL
REGULATIONS (Tape 3)**

(R)

(A)Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 17, 1993 and Planning Commission Mark-up on March 4, 1993; and before the Board of Supervisors on **March 22, 1993 at 3:30 p.m.** on the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), the Erosion and Sedimentation Control Ordinance, Chapter 112 (Zoning Ordinance), and the Fairfax County Public Facilities Manual (PFM) to align existing ordinances and provisions with proposed new Chapter 118 (Chesapeake Bay Preservation Ordinance), the State Erosion and Sediment Control Law, and the State

Erosion and Sediment Control Regulations to become **effective at 12:01 a.m. on March 23, 1993**. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

25.A-16 - APPROVAL OF GRANT APPLICATIONS TO BE FILED FOR REVITALIZATION AREAS (BRADDOCK, HUNTER MILL, LEE, MASON AND MOUNT VERNON DISTRICTS) (Tape 3)

Following discussion, the Board moved its concurrence in the recommendation of staff and:

- Endorsed the grant applications to the Virginia Department of Forestry for the planting of trees;
- Authorized staff to forward the appropriate applications;
- Authorized the County Executive to sign the Letter Agreement with each community; and
- Endorsed the recommended funding necessary to implement the grants, as discussed below, within the Board adopted cash flow guidelines on February 10, 1992.

The second to this motion was inaudible.

Following discussion, Supervisor Bulova asked unanimous consent that the Board direct staff to amend the heading of this item to include the Braddock and Hunter Mill Districts. Without objection, it was so ordered.

The question was called on the motion which carried by a vote of nine, Supervisor McConnell being absent.

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26.I-1 - TAX RECEIPTS PROCESSED IN RECORD TIME

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 announcing that all tax accounts for which payments were received by the legal due date were completely processed and closed.

There was a brief discussion regarding this item, with input from James P. McDonald, Deputy County Executive for Management and Budget, and Susan S. Planchon, Director, Office of Finance.

27.I-2 - MID-YEAR REPORT FOR ENHANCED REVENUE

PROGRAMS, [REVENUE ENHANCEMENT PROGRAM

(REP)/TARGET] FISCAL YEAR (FY) 1993 (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 presenting the Mid-Year Report for enhanced revenue programs [Revenue Enhancement Program (REP)/Target] Fiscal Year (FY) 1993.

There was a brief discussion regarding this item.

28.I-3 - AGGRESSIVE COLLECTION EFFORTS

CONCENTRATING ON NEWLY DELINQUENT TAXES

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 presenting the aggressive collection efforts concentrating on newly delinquent taxes.

There was a brief discussion regarding this item.

29.I-4 - CARJACKINGS (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 presenting a report on carjackings.

30.I-5 - CHANNEL 16 OPERATIONS AND BUDGET

INFORMATION (Tape 4)

(P)The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 presenting a financial review of the costs associated with Channel 16 and analysis of the potential for transferring additional monies from cable franchise fees to the General Fund.

With reference to the Board's extensive discussion on January 11, 1993, Supervisor Bulova moved that the Board adopt a policy whereby Board Members, if they so choose, have the option of participating in a cable program each month. This motion was seconded by Supervisor Frey.

Following additional discussion, with input from Ronald B. Mallard, Director, Department of Consumer Affairs, the question was called on the motion which **CARRIED** by a recorded vote of eight, Supervisor Berger voting "NAY," Supervisor McConnell being absent.

Supervisor Hanley asked unanimous consent that the Board direct the County Executive to return to the Board as expeditiously as possible with those options available to Board Members, i. e., maximum amount of time to be available for each program, and whether the programs will be solely based in the studio or in the field. Without objection, it was so ordered.

31.I-6 - MASON NECK OVERLAY DISTRICT STUDY

(MOUNT VERNON DISTRICT) (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to finalize its analysis and report on March 8, 1993 with information on possible options along with a recommended process and schedule for public participation and hearings.

The staff was directed administratively to proceed as proposed.

32.I-7 - INTERMODAL SURFACE TRANSPORTATION

EFFICIENCY ACT (ISTEA) OF 1991 GRANT

APPLICATION FOR GEORGETOWN PIKE (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 presenting a grant application for Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 for Georgetown Pike.

33.I-8 - CONTINUED ACCREDITATION OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S (DEM) MATERIALS TESTING LABORATORY BY THE NATIONAL INSTITUTE OF

STANDARDS AND TECHNOLOGY (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 announcing the continued accreditation of the Department of Environmental Management's (DEM) Materials Testing Laboratory by the National Institute of Standards and Technology.

**34.I-9 - CONTRACT AWARD - IMPROVEMENTS TO THE
WALNEY CENTER STRUCTURE AND SITE AT ELLANOR C.
LAWRENCE PARK (SULLY DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to award a contract to Southern Maryland Restoration, Incorporated of Washington, D.C., in the amount of \$32,825 for improvements to the Walney Center structure and site at Ellanor C. Lawrence Park for Project 474988, Cultural History Program in Subfund 451, Park Authority Bond Construction.

Supervisor Dix asked unanimous consent that, in future contract awards, information be provided as to whether or not the company has a Fairfax County Business License. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

**35.I-10 - CONTRACT AWARD - RESTON COMMUNITY
CENTER NATATORIUM RENOVATION, PHASE II
(HUNTER MILL DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to:

- Award a contract to Keystone Builders, Incorporated, in the amount of \$781,400 for Project 003712, Reston Community Center Natatorium Renovation, Phase II, Subfund 180, Reston Community Center; and
- Reallocate funds as outlined in the Memorandum to the Board.

Following discussion, with input from John W. diZerega, Director, Department of Public Works, the staff was directed administratively to proceed as proposed.

**36.I-11 - CONTRACT RENEWAL - ANNUAL CONTRACT FOR
STRUCTURAL ENGINEERING SERVICES (COUNTYWIDE)**

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to award a contract to Sverdrup Corporation in the amount of \$100,000 for consulting engineering services.

The staff was directed administratively to proceed as proposed.

**37.I-12 - CONTRACT AWARD - I-95 LANDFILL BASIN
NUMBER 19 (MOUNT VERNON DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to award a contract to Century Concrete Services, Incorporated, in the amount of \$410,029 for the I-95 Landfill Basin Number 19 project in Project 186450, in Subfund 186, I-95 Solid Waste Disposal.

The staff was directed administratively to proceed as proposed.

**38.I-13 - CONTRACT AWARD - ANNUAL CONTRACT FOR
TRAFFIC SIGNAL DESIGN (COUNTYWIDE) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to award a contract to Bellomo-McGee Incorporated, in the amount of \$100,000 for consulting engineering services.

The staff was directed administratively to proceed as proposed.

**39.I-14 - CONTRACT AWARD - ANNUAL CONTRACT FOR
GEOTECHNICAL ENGINEERING SERVICES (COUNTYWIDE)**

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 25, 1993 requesting authorization for staff to award a contract to Woodward-Clyde Consultants, in the amount of \$200,000 for geotechnical consulting engineering services.

Supervisor Dix asked unanimous consent that, in future Board items on contract awards, information regarding the company's local address and whether or not the company has a Fairfax County Business License be included in the Board Package. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

BOARD MATTERS

40. GENERAL ASSEMBLY ALERT (Tape 4)

Chairman Davis called the Board's attention to literature which has been distributed to his office, a number of Civic Associations in the County, and General Assembly Members entitled A General Assembly Alert, which highlights a "recommendation by the Governor's Commission for excessive regulatory powers for localities - don't let Virginia regulate business out of business."

With a notation that this is in regard to the tank farm issue in the Mantua/Fairfax City area and contains many misleading allegations, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board refer this matter to staff for its comments as expeditiously as possible. Without objection, it was so ordered.

41. APPOINTMENT TO THE DULLES CORRIDOR LAND

USE TASK FORCE (Tape 4)

(APPT)

Supervisor Hanley moved the appointment of Ms. Judy Light as the Providence District Representative to the Dulles Corridor Land Use Task Force. This motion was seconded by Acting-Chairman Alexander and carried by a vote of seven, Supervisor Dix and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

42. BOARD REPRESENTATION AT TYTRAN**DINNER IN RICHMOND (Tape 4)**

Supervisor Davis asked unanimous consent that the Board designate Providence District Supervisor Katherine K. Hanley to represent the Fairfax County Board of Supervisors at the TYTRAN dinner scheduled in Richmond this evening. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

43. TASK FORCE REPORT ON THE WHITTIER**SITE (Tape 4)**

Supervisor Hanley called the Board's attention to the Task Force Report on the Whittier Site and moved that the Board refer this report to staff for its review, consultation with the City of Falls Church, and return to the Board with its comments. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Dix and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

44. DESIGNATION OF APRIL 1993 AS**"IMMUNIZATION MONTH" IN FAIRFAX****COUNTY (Tape 4)**

Supervisor Hanley moved that the Board direct staff to prepare the appropriate Resolution, for presentation at the Board Meeting scheduled for March 22, 1993, designating April 1993 as **"IMMUNIZATION MONTH"** in Fairfax County and emphasizing the importance of children's immunizations, and parent and community responsibilities in the prevention of serious childhood illnesses. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Dix and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

45. OUT-OF-TURN PLAN AMENDMENT TO**THE AREA I PLAN (Tape 4)**

Supervisor Hanley moved that the Board direct staff to prepare an Out-Of-Turn Plan Amendment to the Area I Plan, Page 19, Paragraph 1 under Land Use, concerning the

tract along the east side of I-95 south of George Marshall High School, Tax Map 39-4((1))-178, 182 and 182A, to be planned for residential density not to exceed 332 units, as opposed to the current designation of 330 units. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Berger being out of the room, Supervisor McConnell being absent.

46.CITY OF FALLS CHURCH INCREASE IN WATER

RATES (Tape 4)

Supervisor Hanley referred to the City of Falls Church's recent action to increase its water rates and moved that the Board direct staff to take the appropriate action to communicate to the City of Falls Church Fairfax County's deep concern regarding the impact of these increased water rates on its constituents who use this water service. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

47.REPORT ON TRUCK RESTRICTIONS ON ANNANDALE, HUMMER, AND GALLOWS ROADS, PROSPERITY AVENUE,

GUINEA AND WAKEFIELD CHAPEL ROADS (Tape 4)

Supervisor Hanley called the Board's attention to the recent report on the truck restrictions on Annandale, Hummer, and Gallows Roads, Prosperity Avenue, Guinea and Wakefield Chapel Roads which all failed the criteria and she asked unanimous consent that the Board direct the Office of Transportation staff to review this matter as expeditiously as possible. Without objection, it was so ordered.

48.HISTORIC DISTRICT IN DUNN LORING AREA

(Tape 4)

Supervisor Hanley moved that the Board direct the Heritage Resources Branch, Office of Comprehensive Planning, to investigate the possibility of creating a Historic District to protect the Dunn Loring area. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

49.WAIVER ON TAX BILLS LESS THAN FIVE DOLLARS (Tape 4)

Supervisor Hanley asked unanimous consent that the Board direct staff to review the current policy with regard to waivers and penalties on tax bills less than five dollars, and advise the Board of its recommendations. Without objection, it was so ordered.

50.PRIVATIZATION RECOMMENDATIONS**(Tape 4)**

Supervisor Hanley referred to the privatization recommendations recently received from William J. Leidinger, County Executive, and asked unanimous consent that the Board direct staff to provide additional information with regard to:

- Designation of savings - Equipment Management Transportation Agency (EMTA) - from General Fund or Enterprise Fund; and
- Continuing study of full service leasing of Light Duty Motor Pool Vehicles.

Without objection, it was so ordered.

PMH:pmh

51.ACKNOWLEDGEMENT OF FREDDIE MAC (THE FEDERAL HOME LOAN MORTGAGE CORPORATION) (Tape 5)

Supervisor Dix acknowledged Freddie Mac (the Federal Home Loan Mortgage Corporation), for its active and extraordinary participation in the Fairfax County School System's Business-School Partnership Program. Hunters Wood Elementary School in Reston is Freddie Mac's school partner.

Supervisor Dix said that a celebration was held at the school to recognize the fourth year of the partnership, and at that time Freddie Mac donated \$100,000 to Hunters Woods Elementary School to fund the expansion of their School Age Child Care (SACC) and Head Start programs. Freddie Mac also gave the school \$3,500 to continue participation in the Reading is Fundamental Program. In addition, 91 Freddie Mac employees go to the school each week to tutor students.

Supervisor Dix publicly recognized this outstanding partnership, and quoted from a recent newspaper article the words of the Principal, Linda Goldberg, "...I think it's a model for the nation."

52.HUNTER MILL DISTRICT EDUCATION FORUM (Tape 5)

Supervisor Dix announced that the Hunter Mill District Education Forum is scheduled for Saturday, January 30, 1992 at James Madison High School. Registration will begin at 8:30 a.m. and the program will begin at 9:00 a.m and conclude by 12:30 p.m.

53.MOUNT VERNON SIXTH ANNUAL TOWN MEETING ANOTHER

SUCCESS STORY (Tape 5)

Supervisor Hyland stated that approximately 250 people attended this year's annual Mount Vernon Town Meeting. He expressed his appreciation to Chairman Davis, Supervisor Alexander, County Executive William Leidinger, Schools Superintendent Dr. Robert R. Spillane, School Board Member Kris Amundson, Mount Vernon Planning Commissioner John Byers, Fairfax County Park Authority Representative Gil McCutcheon, and each of the Deputy County Executives for their part in assuring the meeting's success.

Supervisor Hyland noted that the citizens' commentary strongly supported educational and human services needs in the Mount Vernon District. While budgetary constraints were considered, public sentiment seemed to favor support of the County School System's proposed budget, even if this meant some minor tax increases.

Supervisor Hyland stated that the human services advocates provided extensive testimony on funding needs for affordable housing, alcohol and drug services, aid to the homeless, Fastran service, mental health and mental retardation programs. Representatives of local non-profit providers such as United Community Ministries, the "New You" Program, Route One corridor Housing and Good Shepherd Housing offered vivid explanations of the services performed by their organizations highlighting the continuing, yet growing, need for even greater involvement.

Supervisor Hyland noted that the ever-increasing cost of cable television was identified by one speaker as a major problem and, judging by the loud applause, seemed to reflect the position shared by those in the audience.

54.NORTHERN VIRGINIA DENTAL SOCIETY VOLUNTEER DENTAL

CLINIC FOR THE INDIGENT (Tape 5)

Supervisor Hyland stated that, through the leadership and advocacy of Sharon Kelso, Executive Director, United Community Ministries, working with Dr. Bruce Wyman and Dr. Peter Passero (dentists in private practice with offices in Springfield and McLean), the Northern Virginia Dental Society has approved the establishment of a

dental clinic to provide full service dental services to indigent adults in the Northern Virginia area. The dental clinic would be staffed by volunteer dentists.

Supervisor Hyland added that Dr. Wyman and Dr. Passero have requested that Fairfax County provide 1200 - 1300 square feet of leased office space in the Bailey's Crossroads/Seven Corners area for this new program at no cost to the Society. On an annual basis, this amounts to a contribution of approximately \$18,000 - \$19,500 using a planning figure of \$15 per square foot. The Dental Society plans to raise funds from other jurisdictions and charitable organizations to pay for build-out costs and to equip the facility. The Society has requested that office space be provided in the Bailey's Crossroads/Seven Corners area because of that area's accessibility to the entire region.

Supervisor Hyland called the Board's attention to a letter from the Society which details its proposal, a summary of which is provided below:

- An estimated 8,000 dental visits per year will be provided to low income adults (age 18 and older);
- Full service general dentistry will be provided;
- All patients will be referred through a community social service agency;
- Patients will be charged up to \$10 per visit; and
- Once established, the dental clinic expects to be self-sufficient in that the service fees will offset minimal operating costs of 1.5 paid support staff.

In view of the offer that has been made by the Dental Society, Supervisor Hyland moved that this issue be referred to the County Executive and that he report with his reaction and recommendations as to how Fairfax County could assist working with the private sector to provide this service to the adult indigent population. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Dix and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

55. PROCLAMATION FOR 104 YEAR OLD RESIDENT OF THE GUM SPRINGS COMMUNITY (Tape 5)

Supervisor Hyland stated that at 1:00 p.m. on February 2, 1993 at the Gum Springs Recreation Center, friends, neighbors and relatives of Jane Brown, a lifelong resident of the Gum Springs Community in Mount Vernon, will be helping her celebrate her 104th birthday.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare a Proclamation for Ms. Brown to commemorate this event. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Dix and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

56. THOMAS M. DAVIS, III, CHAIRMAN, BOARD OF SUPERVISORS

DEPARTS BOARD MEETING TO ATTEND AN ECONOMIC

DEVELOPMENT PRESENTATION (Tape 5)

Chairman Davis announced that he had to depart the Board Meeting along with Supervisor Hanley and Supervisor Dix to attend an Economic Development presentation. He relinquished the Chair to Acting-Chairman Frey.

57. REQUEST THAT COMPLETE BUILDING PLANS BE MADE

AVAILABLE PRIOR TO DESTRUCTION (Tape 5)

Supervisor Alexander stated that when homes are built in Fairfax County, complete building plans are submitted for the County's approval and inspection processes. He said that it is his understanding that these plans are kept for approximately two years after the completion of a building project, after which they are destroyed. He said that this policy is sensible, but it can sometimes cause problems.

Supervisor Alexander said that when two Lee District residences were destroyed by fire over the holidays, he was asked to assist the owners in locating the original building plans for contractors to use in restoring the buildings. (This is particularly important when restoring townhomes or condominiums with covenanted architectural restrictions.) However, the County was unable to assist these fire victims because the records had been destroyed.

Supervisor Alexander said that he understood that it is not practical for the County to continue to store these records for long periods of time. Accordingly, he suggested that staff check into optionally providing interested homeowners and homeowners' associations with the County's archival copy of the building plans. When a set of plans is scheduled to be destroyed, staff would first contact the homeowner, and then, if applicable, the property owners' association, to determine if either party would like to have the plans. He said that in addition to providing a safety blanket for restoration purposes, "do-it-yourselfers" would probably jump at the chance to have a complete copy of the building plans of their homes.

Supervisor Alexander pointed out that such a program could be easily made revenue neutral. Any costs involved in contacting property owners could be included in a small user fee to cover this service.

Supervisor Alexander moved that the Board direct staff to check into this idea and report on how building plans could best be made available to homeowners and owners' associations before they are destroyed. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis, being out of the room, Supervisor McConnell being absent.

58.MAINTENANCE OF SERVICE ROAD IN FRONT OF 7320

RICHMOND HIGHWAY (Tape 5)

Supervisor Alexander stated that the section of service road in front of 7320 Richmond Highway (Veekay Video and Mattos Paint Supply) has begun to severely deteriorate in recent years. He said that his office has documented one-foot deep potholes, four-feet in diameter, on this service road.

Supervisor Alexander noted that this strip of road is apparently in a state of limbo. The service road is not part of the lot at 7320 Richmond Highway, nor has it been accepted into the Virginia Highway System. The State argues that responsibility for maintaining it falls to the County. Maintenance crews from the Department of Public Works have been cooperative in fixing the worst problems, but it is not their job to keep this strip of roadway free of problems. He added that if this area is under County jurisdiction, the County should be working actively to get it accepted into the State System.

Supervisor Alexander said that Consolidated Risk Management is now fielding claims against Fairfax County because of the severe problems on this road.

Supervisor Alexander moved that the Board direct:

- The County Attorney's Office to research the status of this service road and report its findings as expeditiously as possible; and
- Staff to forward the results of the County Attorney's inquiry directly to Lisa Gathagan (359-9244), who is handling these claims for Consolidated Risk Management.

This motion was seconded by Bulova and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis, being out of the room, Supervisor McConnell being absent.

**59. CONCURRENT PROCESSING OF THE REZONING AND THE
SITE PLAN FOR THE MVQI JOINT VENTURE PROJECT**

(Tape 5)

Supervisor Alexander moved concurrent processing of the rezoning and the Site Plan for the MVQI Joint Venture project at 8558 Richmond Highway.

Supervisor Alexander said that this 3.8 acre site is currently zoned C-8 and the proposed rezoning is for 49 garage townhouses. He added that the rezoning and development of this site will result in the needed clean-up of some long standing problems along Route 1.

Supervisor Alexander stated that the applicant understands that this neither provides him with a vested right in the plan approval or relieves him from the responsibility of any plan modifications as a result of Board review.

This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

**60. QUESTION REGARDING REAL ESTATE BROKERS AND REAL
ESTATE AGENTS AND THE BUSINESS, PROFESSIONAL,
AND OCCUPATIONAL LICENSE (BPOL) TAX (Tape 5)**

Supervisor Alexander stated that a realtor had brought to his attention the wording that has been sent out to realtors from the Office of Assessments regarding the Business, Professional, and Occupational License (BPOL) tax effective January 1, 1993.

Supervisor Alexander said that: "Receipts received by real estate brokers with respect to the purchase and the sale of any real estate and the fees paid by real estate agents to real estate brokers as established (inaudible) are to be reported for taxation under Section 4-7-34 of the Code of the County. The gross receipts from other real estate

broker business endeavors, etcetera remain taxable under Section 4-1-7." He said that there was some confusion regarding this issue.

Therefore, Supervisor Alexander asked unanimous consent that the Board direct staff to review this issue as expeditiously as possible. Without objection, it was so ordered.

VLW:vlw

61.APPOINTMENT TO THE HUMAN SERVICES COUNCIL

(Tape 6)

(APPT)

Acting-Chairman Frey relinquished the Chair to Acting-Chairman Bulova and moved the appointment of Mr. R. Blake Shrouf, Jr., as the second Sully District Representative to the Human Services Council. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

62.MISDEMEANOR HUNTING VIOLATIONS (Tape 6)

In light of the recent shooting of Game Warden Michael Lucas on December 28, 1992 while investigating illegal hunting on unapproved land and, because of reoccurrences of other hunting related incidents, Supervisor Frey stated that it has come to his attention that illegal hunting is taking place with regularity in Fairfax County, especially in the westernmost portions.

Because of these factors, Supervisor Frey asked unanimous consent that the Board direct staff to:

- Research the problem and, as soon as possible, develop a report for the Board on its findings. The report should include information on how many reported occurrences of illegal hunting there are in Fairfax County and whether there has been an increase over the previous years; and
- Review the penalties and determine whether the County has any control over the fines or punishments associated with misdemeanor hunting violations and whether stricter penalties would be more deterrent.

Without objection, it was so ordered.

**63. MEETING REQUESTED BETWEEN BOARD OF SUPERVISORS
FOR FAIRFAX AND PRINCE WILLIAM COUNTIES**

(Tape 6)

Supervisor Frey moved that the Board direct the County Executive to initiate contact with the Prince William County Board of Supervisors and arrange for a joint meeting between the two counties, similar to the meeting recently held between Fairfax and Loudoun Counties. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

Acting-Chairman Bulova returned the gavel to Acting-Chairman Frey.

**64. CERTIFICATES OF APPRECIATION TO COUNTY STAFF
FOR PARTICIPATING IN THE "FAIRFAX CORNER IN
MOSCOW INTERNSHIP PROGRAM" (Tape 6)**

Supervisor Bulova expressed her appreciation to County staff for their participation in the "Fairfax Corner in Moscow Internship Program." She reported that, before the interns returned to Moscow, a reception was held at the Russian Embassy on Friday, January 22, 1993.

Unfortunately, Supervisor Bulova stated that various County staff were not able to attend the reception and receive their Certificates of Appreciation for their participation in the program. She forwarded the appropriate Certificates of Appreciation to the Clerk to the Board and asked unanimous consent that the Board direct the Clerk to distribute the Certificates accordingly and to express Supervisor Bulova's appreciation. Without objection, it was so ordered.

65. DEATH OF MR. LOUIS WAGNER (Tape 6)

Supervisor Bulova announced with great sadness the recent death of Mr. Louis Wagner, a longtime resident of North Springfield. She stated that there will be a graveside service at Arlington Cemetery at 3:00 p.m. today, with a memorial service at Saint Alban's Episcopal Church in Annandale at 7:30 p.m. this evening. In lieu of flowers, the family has requested that memorials be made to the Hospice of Northern Virginia, the Boy Scouts of America, or Young Life.

66.APPOINTMENT TO THE COMMUNITY ACTION ADVISORY**BOARD (Tape 6)**

(APPT)

Supervisor Trapnell moved the reappointment of Ms. Edith A. Mead as the Mason District Representative to the Community Action Advisory Board. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

67.PRIVATIZATION OF FAIRFAX COUNTY'S TELEVISION**PRODUCTION SERVICES (Tape 6)**

Supervisor Berger stated that there have been debates over the course of the last month regarding the functions of Channel 16 and the County's video production services. After reviewing the list of the \$1.5 million that the Office of Consumer Affairs has expended in the past year in television production, he stated that this may be a "ripe area" for privatization.

Supervisor Berger stated that he feels that the Board of Supervisors' and Planning Commission meetings should be televised as a public service; however, there are many other areas that Channel 16 spends money on that he feels should be seriously reviewed.

Currently, with 20 full-time and 25 part-time and free lance employees, Supervisor Berger stated that these services could be bid out to a private company for a considerable cost savings. In addition, he suggested that the County could lease its existing equipment to provide even more revenue to the taxpayers.

Accordingly, Supervisor Berger moved that the Board refer the issue of privatization of Fairfax County's television production services to the Privatization Oversight Committee for its review and to report with its recommendations prior to the end of February. This motion was seconded by Supervisor Trapnell for discussion purposes.

Following discussion, with input from William J. Leidinger, County Executive, Supervisor Bulova asked unanimous consent that the Board defer its action on this issue to allow for additional discussion in Executive Session when a full Board would be present.

Supervisor Alexander moved the question. This motion was seconded by Supervisor Hyland.

Supervisor Berger **WITHDREW** his motion to allow for further discussion by the full Board in Executive Session.

Without objection, Supervisor Bulova's request to defer action was so ordered.

(NOTE: Later in the meeting, following the Board's Executive Session, additional action was taken. See Clerk's Summary Item CL#71.)

68.RECESS/EXECUTIVE SESSION (Tape 6)

At 1:20 p.m., Supervisor Hyland moved that the Board recess for lunch and, at 2:30 p.m., go into Executive Session for discussion of matters set forth in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

CM:cm

At 3:45 p.m., the Board reconvened in the Board Room with all Board Members present, with the exception of Supervisor McConnell, and with Chairman Davis presiding.

69.ACTIONS FROM EXECUTIVE SESSION (Tape 7)

A.CERTIFICATION BY BOARD MEMBERS

REGARDING ITEMS DISCUSSED IN

EXECUTIVE SESSION

Supervisor Bulova moved that the Board of Supervisors certify that, to the best of their knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed or considered by the Board during the Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

B.CLAIM OF INTERNATIONAL FIDELITY

INSURANCE COMPANY

Supervisor Dix moved that the Board deny the claim of International Fidelity Insurance Company as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Frey and carried by a vote of nine, Supervisor McConnell being absent.

C.LEHNDORFF TYSONS JOINT VENTURE VERSUS

THE COUNTY OF FAIRFAX, VIRGINIA, THE

BOARD OF SUPERVISORS OF FAIRFAX COUNTY,

SUSAN S. PLANCHON AND PAUL E. SMITH, AT

LAW NUMBER 111474

Supervisor Hanley moved that the Board authorize settlement of Lehndorff Tysons Joint Venture versus the County of Fairfax, Virginia, the Board of Supervisors of Fairfax County, Susan S. Planchon and Paul E. Smith, At Law Number 111474, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

70.RECOGNITION OF BRIAN MILBRIGHT, CHAIRMAN, SAN

DIEGO COUNTY BOARD OF SUPERVISORS (Tape 7)

Chairman Davis recognized the presence of Brian Milbright, Chairman, San Diego County Board of Supervisors, and he warmly welcomed him to the Board Room.

Mr. Milbright briefly addressed the Board outlining the duties of the San Diego County Board of Supervisors.

71.PRIVATIZATION OF FAIRFAX COUNTY'S TELEVISION

PRODUCTION SERVICES (Tape 7)

(NOTE: Earlier in the meeting, action was deferred on the motion to refer the issue of privatization of Fairfax County's television production services to the Privatization

Oversight Committee for its review and recommendation. See Clerk's Summary Item CL#67.)

Supervisor Berger restated his previous motion that the Board refer the issue of privatization of Fairfax County's television production services to the Privatization Oversight Committee for its review and to report with its recommendations prior to the end of February. This motion was seconded by Supervisor Trapnell and **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor Hyland voting "NAY," Supervisor McConnell being absent.

72.ADDITIONAL COMMENTS REGARDING ACTION ITEM A-2:

PROPOSED COUNTY COMMENTS IN FEDERAL

COMMUNICATIONS COMMISSION (FCC) CONSUMER

PROTECTION AND CUSTOMER SERVICE STANDARDS

RULE MAKING PROCEEDING (Tape 7)

[NOTE: Earlier in the meeting, action was taken on the proposed comments to be filed in the Federal Communications Commission's (FCC) current customer service standards rule making proceeding. See Clerk's Summary Item CL#10.]

William J. Leidinger, County Executive, distributed to Board Members written comments regarding the Board's testimony on cable television.

Following discussion, with input from Mr. Leidinger, Supervisor Frey moved approval of the revised language regarding the Board's comments on cable television. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

73.3:30 P.M. - ANNUAL MEETING OF THE FAIRFAX COUNTY

SOLID WASTE AUTHORITY (Tape 7)

At 3:50 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Davis in accordance with Article III, Section 1 of the Bylaws.

Supervisor Alexander moved that the Board appoint the following officers to the Fairfax County Solid Waste Authority:

OFFICERS

Thomas M. Davis, III Chairman

Chairman, Fairfax County

Board of Supervisors

Elaine McConnell Vice-Chairman

Vice-Chairman, Fairfax County

Board of Supervisors

Nancy Vehrs Secretary

Clerk to the Fairfax County

Board of Supervisors

William J. Leidinger Executive Director

County Executive

David P. Bobzien Attorney

County Attorney

Susan S. Planchon Treasurer

Director, Office of Finance

John W. diZerega Authority Representative

Director, Department of

Public Works

This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Bulova moved approval of the minutes for the Fairfax County Solid Waste Authority from its meeting of January 27, 1992. This motion was seconded by

Supervisor Alexander and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved approval of the financial report for the Authority as contained in the Memorandum to the Board dated January 25, 1993. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

A brief question and answer prior ensued between the Board and staff.

At 3:55 p.m., the annual meeting of the Fairfax County Solid Waste Authority adjourned.

74.3:30 P.M. - PH ON REZONING APPLICATION RZ 92-P-020

AND SPECIAL EXCEPTION APPLICATION SE 92-P-032

(LYNDEN ENTERPRISES, INCORPORATED) (PROVIDENCE

DISTRICT) (Tape 7)

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Cathy Chianese, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the Staff and Planning Commission recommendations.

On behalf of Supervisor Hanley, Supervisor Frey moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 92-P-020 be amended from the C-4, Highway Corridor, and Sign Control Districts to the C-8, Highway Corridor, and Sign Control Districts subject to the revised proffers dated January 25, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

On behalf of Supervisor Hanley, Supervisor Frey moved approval of Special Exception Application SE 92-P-032 subject to the development conditions contained in Appendix 2 of the Staff Report, with the addition of those dated January 25, 1993.

This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor McConnell being absent.

On behalf of Supervisor Hanley, Supervisor Frey moved waivers of the minimum lot size and lot width. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

75. 3:30 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT

S92-II-VI FOR THE AREA LOCATED AT THE SOUTHWEST

END OF SPRING HILL ROAD [TAX MAP NUMBER 29-3

((1)) 2D] (HUNTER MILL DISTRICT) (Tape 7)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Dix noted, for the record, that the Tysons Corner Task Force has reviewed this item and has found it to be acceptable.

Supervisor Dix moved approval of Out-of-Turn Plan Amendment S92-II-VI, for the area located at the southwest end of Spring Hill Road, Tax Map Number 29-3 ((1)) 2D, as recommended by the Planning Commission on January 14, 1993. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

76.3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE

CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101

(SUBDIVISION PROVISIONS), REGARDING CONSTRUCTION

PLANS AND RECORDED PLATS (Tape 7)

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), Section 101-2-5, regarding construction plans and recorded plats, as set forth in the Staff Report. The proposed amendments provide for an approval period of five years for certain subdivision construction plans and recorded final subdivision plats. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

**77.3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112
(ZONING ORDINANCE), REGARDING FAST FOOD
RESTAURANTS IN THE PDC (PLANNED DEVELOPMENT
COMMERCIAL) DISTRICT (Tape 7)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to revise the restrictions on fast food restaurants permitted by special exception in the Planned Development Commercial (PDC) District, as recommended by the Planning Commission and contained in Attachment One of the Memorandum to the Board, **with an effective date of 12:01 a.m, January 26, 1993**, amended as follows:

•Item B-2, 12th line from the bottom, to read, "...and/or the use of consistent and distinctive landscaping."

This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Dix and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

78.RECOGNITION OF BOY SCOUT TROOP 1145 (Tape 7)

Supervisor Bulova recognized the presence of Ms. Joanne Swick and Boy Scout Troop 1145 and she warmly welcomed them to the Board Room.

**79.3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112
(ZONING ORDINANCE), REGARDING SPECIAL EXCEPTION
ADDITIONAL STANDARDS FOR HOUSING FOR THE ELDERLY**

(Tape 7)

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

(NOTE: Prior to leaving the Board Room to visit with Brian Milbright, Chairman, San Diego County Board of Supervisors, Chairman Davis relinquished the Chair to Acting-Chairman Alexander.)

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to provide a density bonus for housing for the elderly developments which are exempt from the Affordable Dwelling Unit (ADU) Program, but are proposing to provide affordable units, and to revise the maximum densities permitted under a housing for the elderly special exception use, as advertised, **with an effective date of 12:01 a.m, January 26, 1993**. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Hanley and Chairman Davis being out of the room, Supervisor McConnell being absent.

**80.3:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN
AMENDMENT S92-II-M1 FOR THE AREA LOCATED IN
THE NORTHEAST QUADRANT OF THE INTERSECTION OF
LEWINSVILLE ROAD AND SPRING HILL ROAD**

(DRANESVILLE DISTRICT) (Tape 7)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Following the public hearing, Supervisor Berger moved to waive the reading of the staff and the Planning Commission recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

Supervisor Berger moved approval of Out-of-Turn Plan Amendment S92-II-M1, for the area located in the northeast quadrant of the intersection of Lewinsville Road and Spring Hill Roads, as recommended by the Planning Commission on January 7, 1993. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room, Supervisor McConnell being absent.

SBE:sbe

81. 4:00 P.M. - PH ON RZ 86-L-028 (WILLS AND VAN

METRE, INCORPORATED) AND APPLICATION 456-L92-8:

ACQUISITION OF NINE TOWNHOUSE LOTS BY THE

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING

AUTHORITY (FCRHA) (LEE DISTRICT) (Tape 8)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Upon his return to the Board Room, Acting-Chairman Alexander returned the gavel to Chairman Davis.

Mr. Carson Lee Fifer, Jr., reaffirmed the validity of the affidavit for the record.

Mr. Fifer had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kul Sandhu, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Because he was not present in the Board Room when the affidavit was reaffirmed, upon his return, Supervisor Frey disclosed the following campaign contribution that he had received:

- In the amount of \$200 from the firm of McGuire, Woods, Battle and Booth.

Supervisor Alexander moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 86-L-028 be amended from the R-1 District to the R-5 District subject to the proffers dated January 9, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved that the Board direct the Director of the Department of Environmental Management (DEM) to waive the 600-foot private street length requirement. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved that the Board affirm the Planning Commission's determination, pursuant to Section 15.1-456 of the Code of Virginia, that Application 456-L92-8 by the Fairfax County Redevelopment and Housing Authority (FCRHA), proposed acquisition of nine townhouse lots, is in substantial accord with the County's Comprehensive Plan. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved that the Board authorize the FCRHA to acquire 17 townhouse lots, located at the intersection of Telegraph and Old Telegraph Roads, as being in compliance with Section 36.19-2 of the Code of Virginia. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

82.RECOGNITION OF SENIOR CLASS MEMBERS FROM THE

BETHLEHEM BAPTIST CHRISTIAN ACADEMY (Tapes 8-9)

Supervisor Frey recognized the presence of members of the senior government class from the Bethlehem Baptist Christian Academy and he warmly welcomed them to the Board Room.

83.4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT**APPLICATION PCA 87-L-034 (FIRST CITIZENS****CORPORATION) (LEE DISTRICT) (Tape 9)**

Mr. Roderick L. Thonen reaffirmed the validity of the affidavit for the record.

Mr. Thonen had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Robby Robinson, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Alexander moved approval of Proffered Condition Amendment Application PCA 87-L-034 subject to the executed proffers dated January 13, 1993; the Planning Commission having previously approved Final Development Plan Amendment FDPA 87-L-034 on January 21, 1993, subject to the development conditions dated January 12, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved waiver of the 600-foot maximum length of private street. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved waiver of the barrier requirement. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved modification of the transitional screening requirement to allow existing vegetation, with supplemental plantings to serve as transitional screening. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

84.4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE**OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING**

**ORDINANCE), REGARDING FREESTANDING SIGNS FOR
COMMERCIALLY ZONED PROPERTY IN INDUSTRIAL PARKS**

(Tape 9)

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Supervisor Alexander expressed his appreciation to Jane W. Gwinn, Zoning Administrator/Division Director, Zoning Administration Division, Office of Comprehensive Planning (OCP), and her staff for their expedient preparation of this proposed amendment.

Following the public hearing, Supervisor Alexander moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to allow freestanding building identification signs on commercially zoned property within industrial parks, as advertised, **with an effective date of 12:01 a.m, January 26, 1993**. This motion was jointly seconded by Supervisor Dix and Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

85.ORDERS OF THE DAY (Tape 9)

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board change its Orders of the Day to defer, until later in the meeting, the public hearing scheduled on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as Special Exception uses. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

**86.4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING
ORDINANCE), REGARDING CHURCHES AND OTHER PLACES
OF WORSHIP, CONVENTS, MONASTERIES AND CHILD CARE**

CENTERS AND PRIVATE SCHOOLS AS SPECIAL EXCEPTION

USES (No Tape)

[NOTE: Later in the meeting, the public hearing was held and action taken on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as Special Exception uses. See Clerk's Summary Item CL#93.]

87.4:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN

AMENDMENT S92-III-UP2 FOR THE GENERAL AREA

LOCATED ON THE SOUTH SIDE OF COPPERMINE ROAD

WEST OF CENTREVILLE ROAD (HUNTER MILL DISTRICT)

(Tape 9)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Dix stated, for the record, that portions of this application had been reviewed by the Route 28 Task Force and addressed in the plan for the Suburban Center.

Supervisor Dix moved approval of Out-of-Turn Plan Amendment S92-III-UP2, for the general area located on the south side of Coppermine Road west of Centreville Road, as recommended by the Planning Commission. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

88.4:00 P.M. - PH ON REZONING APPLICATION RZ 92-H-027

AND PROFFERED CONDITION AMENDMENT APPLICATION

PCA 85-C-008-2 (BAHMAN BATMANGHELIDJ, TRUSTEE)

(HUNTER MILL DISTRICT) (Tape 9)

Supervisor Dix moved to defer the public hearing on Rezoning Application RZ 92-H-027 and Proffered Condition Amendment Application PCA 85-C-008-2 until **February 8, 1993 at 4:00 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

**89. 4:00 P.M. - BOARD DECISION ON A PROPOSAL TO
RESTRICT THROUGH TRUCK TRAFFIC ON A PORTION
OF WALNEY ROAD (ROUTE 657) (SULLY DISTRICT)**

(Tape 9)

(Verbatim)

(R)(NOTE: The public hearing was held before the Board of Supervisors on January 11, 1993 and action taken to defer Board decision until January 25, 1993.)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearings had been duly advertised in this Newspaper in the issues of December 24 and December 31, 1992.

Supervisor Frey moved adoption of the Resolution requesting the Virginia Department of Transportation (VDOT) Commonwealth Transportation Board (CTB) to restrict through truck traffic on a portion of Walney Road (Route 657) located between Sully Road (Route 28) and Poplar Tree Road (Route 4831) in accordance with Section 46.1-171.2 of the Code of Virginia. A possible alternate route which would be available for through trucks is by way of Sully Road (Route 28), Westfields Boulevard (Route 6775) and Walney Road (Route 657). This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Frey expressed his appreciation to Laurence Berg, Planner, Office of Transportation, for his outstanding performance on this issue.

Supervisor Frey asked unanimous consent that the Board direct the Office of Transportation to keep his office updated as VDOT proceeds with the request to restrict through truck traffic. Without objection, it was so ordered.

90.4:30 P.M. - BOARD DECISION ON PROPOSED OUT-OF-TURN

**PLAN AMENDMENT S92-I-B1 FOR THE SITE ADJACENT TO
UPTON HILL REGIONAL PARK AND THE FAIRFAX/ARLINGTON
COUNTY LINE (MASON DISTRICT) (Tape 9)**

(NOTE: The public hearing was held before the Board of Supervisors on January 11, 1993 and action taken to defer Board decision until January 25, 1993.)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 26 and December 3, 1992.

Supervisor Trapnell moved approval of Out-of-Turn Plan Amendment S92-I-B1, for the site adjacent to the Upton Hill Regional Park and the Fairfax/Arlington County Line, as recommended by the Planning Commission. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

**91.4:30 P.M. - PH ON SPECIAL LEGISLATION TO PROVIDE
PROPERTY TAX EXEMPTION FOR CERTAIN PROPERTY OWNED
BY THE GEORGE MASON UNIVERSITY (GMU) EDUCATIONAL
FOUNDATION, INCORPORATED (BRADDOCK DISTRICT)
(Tape 9)**

(R)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Paul E. Smith, Supervisor of Assessments, Office of Assessments, stated that four of the five parcels for this request meet the criteria. The fifth parcel, which does not meet the criteria, is vacant and, as staff interprets the Code, the property must be used for the purposes of the applicant. He stated that staff has requested the County Attorney's office to provide an opinion on this issue; however, to date, a response has not yet been provided.

Following the public hearing, which included testimony by one speaker, further discussion ensued among Board Members, with input from Carrington Williams,

Representative, George Mason University (GMU) Educational Foundation, Incorporated, and former Member of the House of Delegates; Michael Long, Assistant County Attorney; and Mr. Smith.

Supervisor Bulova moved adoption of the Resolution supporting the request for endorsement of State legislation to exempt certain property (**four parcels only**) owned and used by The GMU Educational Foundation, Incorporated, and defer decision on the fifth parcel until a later date. This motion was seconded by Supervisor Alexander.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked that the motion be amended to include that the Board:

- Request that Mr. Smith, Mr. Long, and Mr. Williams, meet and review the fifth parcel and report with additional information;
- Defer its decision on the fifth parcel only; and
- Direct staff to report at the Board of Supervisors' meeting scheduled for **February 8, 1993** with an item for Board decision on the fifth parcel.

This was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

The question was called on the motion, and as amended, carried by a vote of six, Supervisor Frey, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, action was taken to further clarify this issue. See Clerk's Summary Item CL#93.)

92.4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON

ISSUES OF CONCERN (Tape 9)

Certificates of Publication were filed from the Editor of the Washington Post, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 7 and January 14, 1993.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: Issues under litigation,

issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Citizens must call the Office of the Chairman of the Board of Supervisors to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

The public hearing was held and included testimony by one speaker.

**93.4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING
ORDINANCE), REGARDING CHURCHES AND OTHER PLACES
OF WORSHIP, CONVENTS, MONASTERIES AND CHILD CARE
CENTERS AND PRIVATE SCHOOLS AS SPECIAL EXCEPTION
USES (Tapes 9-11)**

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1992.

The public hearing was called with nine speakers presenting testimony.

Following the testimony by Speaker Number Nine (Mr. Grant Peterson), Supervisor Bulova asked unanimous consent that the Board recess the public hearing and allow her, at this time, an opportunity to clarify an action taken earlier in the meeting. Without objection, it was so ordered.

**Clarification of Action Taken on the
Special Legislation to Provide Property
Tax Exemption for Certain Property Owned
by the George Mason University Educational
Foundation, Incorporated:**

(NOTE: Earlier in the meeting, action was taken on the request for special legislation to provide property tax exemption for certain property owned by the George Mason University Educational Foundation, Incorporated. See Clerk's Summary Item CL#91.)

Supervisor Bulova stated that earlier in the meeting, the Board considered a request to endorse special legislation to designate the George Mason University Educational Foundation, Incorporated, as being exempt from property taxation. The action approved the request for four parcels; however, deferred decision until additional information was received on the fifth parcel. She stated that she has been informed by staff that the action needs further clarification in order that the legislation may proceed.

Accordingly, Supervisor Bulova moved that the Board adopt the draft Resolution designating this group as charitable and benevolent that was provided to the Board without reservation. In addition, she moved that the Board direct staff to report, at a later time, and provide the Board with an explanation of how such exemptions are interpreted and applied. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

The public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as Special Exception Uses, continued with Speaker Number 10 (Mr. Ben Saunders).

The public hearing concluded with a total of 15 speakers presenting testimony.

Absence of Supervisor Sharon Bulova,

Braddock District:

(NOTE: Earlier in the meeting, Supervisor Bulova announced with great sadness the recent death of Mr. Louis Wagner, a longtime resident of North Springfield. See Clerk's Summary Item CL#65.)

Following the testimony of Speaker Number 15 (Mr. Alan Fisher), Supervisor Bulova announced that she had to leave the meeting in order to attend the memorial service for Mr. Wagner. The service is being held at Saint Alban's Episcopal Church in Annandale at 7:30 p.m. this evening.

Because of her absence this evening, as well as the absence of Supervisor Hanley and Supervisor McConnell, Supervisor Bulova moved that the Board defer its decision on

the proposed amendment until February 8, 1993 when a full Board would be present. This motion was seconded by Supervisor Trapnell and **FAILED** by a recorded vote of five, Supervisor Bulova, Supervisor Hyland, and Supervisor Trapnell voting "AYE," Supervisor Hanley being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, during the actions on the proposed amendment, Supervisor Bulova announced that she would be remaining at the meeting because of the importance of the Board's action.)

Following a presentation of the staff and Planning Commission recommendations, Supervisor Frey moved that the Board adopt the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as Special Exception uses, **as advertised**, with the following editorial revisions for consistency:

•On handwritten Page 18 of the Staff Report, Paragraph 3C of Sections 5-504 and 5-604 should read:

"C.Child care centers, nursery schools and private schools of general education when located in conjunction **on the same lot** with a church, chapel, temple, synagogue or other such place of worship"; and

•On handwritten Page 19 of the Staff Report, Paragraph 15C of Section 6-103 and Paragraph 12C of Section 6-203 should read:

"C.Child care centers, nursery schools, private schools of general education and private schools of special education when located in conjunction **on the same lot** with a church, chapel, temple, synagogue or other such place of worship."

Supervisor Frey further moved that the amendment, as revised, **become effective at 12:01 a.m., January 26, 1993.**

This motion was seconded by Supervisor Dix.

Following discussion, Supervisor Bulova announced that she would be remaining at the meeting because of the importance of the Board's action on this proposed amendment.

Supervisor Alexander asked that the motion be amended to include that the Board:

- At the end of one year, again review this amendment objectively to determine whether it has helped the situation of the churches; and
- Direct the Task Force, established by the Board of Supervisors, to continue to monitor and streamline the approval process.

This was accepted.

Supervisor Alexander further asked that the motion be amended to include that the Board also direct staff to continue to monitor the process and report within one year with recommendations, and this was accepted.

Following further discussion, Supervisor Berger moved to call the question on the motion. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

The question was then called on the motion, as amended, which **FAILED** by a recorded vote of four, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis voting "AYE," Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Frey stated that during the next week, he would be contacting each Board Member in order to find a suitable date for all Board Members to meet with members of the religious community to discuss the situation.

Supervisor Alexander stated that, because the motion failed on a tie vote, the Board could again take action at the meeting scheduled for February 8, 1993 when a full Board would be present.

Chairman Davis ruled that, in order for the Board to reconsider its action, a Board Member on the opposing side would have to introduce the motion for reconsideration. He stated that he hoped that the reconsideration motion would be made at the next meeting and he urged all interested citizens to contact Board Members and let their opinions be known.

ADDITIONAL BOARD MATTER

94.APPOINTMENT TO THE COMMISSION FOR WOMEN (Tape 11)

(APPT)

Supervisor Bulova moved the appointment of Ms. Kelly R. Gryting as the Braddock District Representative to the Commission for Women. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

95.BOARD ADJOURNMENT (Tape 11)

At 7:20 p.m., the Board adjourned.